

**ARE TWO
RESPONSIBLE
FOR PHAGAN
MURDER?**

Burns, in New York
Interview,
Intimates More Than
One
Person Is Involved

William J. Burns, the detective, talking to reporters in New York, has made two interesting statements, one of which indicates that his investigation, by which he claims to have discovered much new evidence, has led to the conclusion that two men are responsible for the murder of Mary Phagan.

This theory has often been discussed, but the detectives who have worked on the case have consistently refused to seriously entertain it.

Burns in talking of the Phagan murder case said:

“The case is perfectly clear. The evidence left by THOSE responsible for the murder is sufficient to clear it up if properly used.”

A reporter, who caught the significance of the plural pronoun, asked this question:

“Do you mean to imply that more than one person was responsible for the murder?”

Burns evaded the question, replying: “Well, I will say the person, or persons, responsible for the crime.”

In the course of his interview, Burns made the interesting declaration that the fee which he is charging for this investigation is just about half as large as the fee he generally charges for a probe entailing as much work as this one.

Burns refused to discuss the phases of the case, which took him to New York, and declined to say whether or not he interviewed Nina Formby and Harry F. Becker.

Interest Saturday in the Frank case centered in the expected arrival of Burns, and in the probe he and his agents are conducting.

The extraordinary motion for a new trial for Frank, served on the solicitor Friday by the attorneys for the condemned man, can be amended at any time before it is heard, and as a result any new evidence Burns may discover will be included. Dan S. Lehon, who has been conducting the investigation in the absence of Burns, declares new evidence is being discovered every day, and as a result a lengthy amendment to the extraordinary motion will probably be made before the date of the hearing.

Mr. Lehon Saturday reiterated the statement that the investigation is progressing most satisfactorily.

"In a very short time," he said, "we will be able to point out the murderer and demonstrate his guilt by the evidence we have found."

Mr. Lehon would not be more definite as to the time when the final report of the Burns' agents can be expected. It is generally believed, however, that the report will not be made for a week or two.

Burns is expected to arrive from New York early next week. The detective has been in the metropolis investigating certain phases of the Frank case, which he says have developed there. The arrival of the noted detective, who has promised to dispel all of the doubt about the Mary Phagan murder case, will naturally add impetus to the probe by his agents.

Solicitor General Hugh M. Dorsey left the city for Valdosta Friday evening without making any comment on the extraordinary motion. The solicitor has gone to spend the week end with relatives, but is expected to commence work on the motion next week.

Many of the points made in the extraordinary motion have been known to the solicitor for some time, and he has already collected evidence with which to combat them when the motion is heard before Judge Ben H. Hill.

The Frank case has been declared to be similar in many respects to the famous Becker trial in New York, and for that reason the solicitor general has been making a close study of the New York case. The solicitor general has not only read all of the court records in the Becker case very carefully, but he has secured thousands of newspaper clippings referring to the case and he is now reading them.

Before he left for Valdosta, the solicitor is said to have instructed the city detectives to take up a detailed investigation

of the stories of the various witnesses, new and old, who are quoted in the extraordinary motion.

The solicitor has the right, it is said, to demand a hearing of the motion before April 16, the day on which it will be formally filed with the court, and a hearing before Judge Hill commenced. As the solicitor refuses positively to discuss the case in any of its ramifications, no definite information as to his attitude on this point can be secured.

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Georgia Justice Demands It

(Richmond Times-Dispatch.)

If Leo Frank is sent to his death in Atlanta, a man will perish whose guilt the trial judge declared himself unable to determine; but Georgia justice will suffer far more than he whose life will be taken.

The Times-Dispatch is always unwilling to pass long-range judgment on a case of this sort, and is always careful to avoid the discussion of matters the full details of which may not be plain from the published reports. But in this instance, if a tithe of the evidence recently adduced be even approximately true, Frank deserves a new trial, which Georgia cannot deny him.

We are even willing to take Detective Burns' summary of the case and to admit that either Frank or the Negro, Conley, committed the murder. When cool judgment shall have regained its sway in Georgia, this of itself will be sufficient to give Frank a rehearing. Frank had apparently led an exemplary life, and against him no evil had been spoken until he was arrested for the murder of the little Phagan girl. The Negro, on the other hand,

characterized by The Atlanta Journal as “drunken” and irresponsible, preferred the charge against Frank and confessed his own complicity only after he had repeatedly sworn to false statements. Which of the two is to be believed? Upon which are Georgia courts willing to rely—the testimony of a drunken Negro or of a sober white man? We ask the question in no desire to draw the race line, but in a sincere effort to put the proper value upon the testimony of the two.

Then, again, if Frank be innocent and be executed, his fate will make all the more difficult the proper punishment of men who are guilty beyond question. We know the miserable record of American courts—we know that often we acquit where we should hang high. We know that in some states for 100 homicides there are but four legal executions. But how are we to stiffen the backbones of future juries—by giving a new trial to a man whose guilt is at least questionable, or by reminding them of a jury which, in the white heat of passion, dabbled their own hands in the blood of a man not proved guilty?

Georgia, jealous of its courts and proud of its good name, cannot afford to put Frank on the gallows without giving another jury the privilege of passing on his case!
